

Dominique Merriman # ATO219

Name and Prisoner Booking Number

California Medical Facility

Place of Confinement

1600 California Drive

Mailing Address

Vacaville, California 95696

City, State, Zip Code

(Failure to notify the Court of your change of address may result in dismissal of this action.)

FILED

May 24, 2022

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

Dominique Merriman

(Full Name of Plaintiff)

Plaintiff,

v.

CASE NO. 2:22-cv-877-DMC (PC)

(To be supplied by the Clerk)

(1) ~~California Department of Corrections~~ City of Stockton, et al

(Full Name of Defendant)

(2) L.t. Pederson

(3) Gena Jones

(4) _____

Defendant(s).

**CIVIL RIGHTS COMPLAINT
BY A PRISONER**

☒ Original Complaint

☐ First Amended Complaint

☐ Second Amended Complaint

☐ Check if there are additional Defendants and attach page 1-A listing them.

All Defendants sued in individual & official capacity

A. JURISDICTION

1. This Court has jurisdiction over this action pursuant to:

☒ 28 U.S.C. § 1343(a); 42 U.S.C. § 1983

☐ 28 U.S.C. § 1331; Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971).

☐ Other: _____

2. Institution/city where violation occurred: California Health Care Facility / Stockton

B. DEFENDANTS

1. Name of first Defendant: Gena Jones. The first Defendant is employed as:
Warden at California Health Care Facility.
(Position and Title) (Institution)
2. Name of second Defendant: L. t Pederson. The second Defendant is employed as:
Luitenant at California Health Care Facility.
(Position and Title) (Institution)
3. Name of third Defendant: City of Stockton. The third Defendant is employed as:
City of Stockton at California Health Care Facility.
(Position and Title) (Institution)
4. Name of fourth Defendant: _____. The fourth Defendant is employed as:
_____ at _____.
(Position and Title) (Institution)

If you name more than four Defendants, answer the questions listed above for each additional Defendant on a separate page.

C. PREVIOUS LAWSUITS

1. Have you filed any other lawsuits while you were a prisoner? ☒ Yes ☐ No
2. If yes, how many lawsuits have you filed? 9. Describe the previous lawsuits:
 - a. First prior lawsuit:
 1. Parties: Merriman v. Pender
 2. Court and case number: 2:19-cv-1446
 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) Dismissed
 - b. Second prior lawsuit:
 1. Parties: Merriman v. Lowry
 2. Court and case number: 2:19-cv-1445
 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) Dismissed
 - c. Third prior lawsuit:
 1. Parties: Merriman v. Harris
 2. Court and case number: 2:19-cv-1444
 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) Dismissed

If you filed more than three lawsuits, answer the questions listed above for each additional lawsuit on a separate page.

d. Fourth prior lawsuit:

1. Parties: Merriman v. Love
2. Court and case number: 2:19-CV-1443
3. Result: dismissed

e. Fifth prior lawsuit:

1. Parties: Merriman v. San Joaquin County
2. Court and case number: 2:19-CV-2486
3. Result: dismissed

f. Sixth prior lawsuit:

1. Parties: Merriman v. Vila
2. Court and case number: 2:19-CV-2011
3. Result: dismissed

g. Seventh prior lawsuit:

1. Parties: Merriman v. Lowry
2. Court and case number: 2:20-CV-771
3. Result: dismissed

h. Eight prior lawsuit:

1. Parties: Merriman v. Ryan Martin
2. Court and case number: 2:19-CV-2486
3. Result: Pending

I. Ninth prior lawsuit

Gena Jones, et. al

1. Parties : Merriman V. ~~2:22-cv-00736-AC~~

2. Court & Case number : 2:22-cv-00736-AC

3. Result : Pending (plaintiff has requested Voluntary dismissal, without prejudice, believing issue was moot. Issue not moot, plaintiff refiles similar claim)

D. CAUSE OF ACTION**CLAIM I**

1. State the constitutional or other federal civil right that was violated: 14th Amendment

2. **Claim I.** Identify the issue involved. Check **only one**. State additional issues in separate claims.

- | | | | |
|--|--|---|---------------------------------------|
| <input type="checkbox"/> Basic necessities | <input type="checkbox"/> Mail | <input type="checkbox"/> Access to the court | <input type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings | <input checked="" type="checkbox"/> Property | <input type="checkbox"/> Exercise of religion | <input type="checkbox"/> Retaliation |
| <input type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input type="checkbox"/> Other: _____ | |

3. **Supporting Facts.** State as briefly as possible the FACTS supporting Claim I. Describe exactly what **each Defendant** did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

While acting under color of state law Defendants
Gena Jones and L.T. Pederson deprived, and continues to, the plaintiff
of private property, without due process of law, in connection with
property taken from the plaintiff on or around the date of March
30th 2021. Defendants actions and inactions alike are in violation of
the 14th Amendment of the United States Constitution.

4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).

The loss of private property Valuing \$ 335.05, Court cost's, emotional
distress.

5. **Administrative Remedies:**

- Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☒ Yes ☐ No
- Did you submit a request for administrative relief on Claim I? ☒ Yes ☐ No
- Did you appeal your request for relief on Claim I to the highest level? ☒ Yes ☐ No
- If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. _____

CLAIM II

1. State the constitutional or other federal civil right that was violated: 5th Amendment

2. **Claim II.** Identify the issue involved. Check **only one**. State additional issues in separate claims.

- ☐ Basic necessities ☐ Mail ☐ Access to the court ☐ Medical care
☐ Disciplinary proceedings ☒ Property ☐ Exercise of religion ☐ Retaliation
☐ Excessive force by an officer ☐ Threat to safety ☐ Other: _____

3. **Supporting Facts.** State as briefly as possible the FACTS supporting Claim II. Describe exactly what **each Defendant** did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

On or around the date of March 30th 2021, Defendant known herein as The City of Stockton, deprived the plaintiff Dominique Merriam of private property without due process of law and/or just compensation and used said property for private use. The City of Stockton's actions and inactions alike are in violation of the 5th Amendment of the United States Constitution.

4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).

The loss of private property Valuing \$ 335.00, Court Costs & emotional distress.

5. **Administrative Remedies.**

- a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☒ Yes ☐ No
- b. Did you submit a request for administrative relief on Claim II? ☒ Yes ☐ No
- c. Did you appeal your request for relief on Claim II to the highest level? ☒ Yes ☐ No
- d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. _____

E. REQUEST FOR RELIEF

State the relief you are seeking:

- ① A declaration that the acts and omissions described herein violated plaintiff's rights under the constitution and laws of the United States.
- ② An injunction ordering defendants to credit plaintiff trust account with \$ 335.05 ^{exact} from deductions, fine, restitution and direct orders.
- ③ A jury trial on all issues triable by jury
- ④ Recovery of Plaintiff's costs in this suit
- ⑤ Any and all additional relief this court deems just, proper and equitable
- ⑥ \$500 punitive damages against defendant L.T. Pederson & Gena Jones and City of Stockton.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 19th, 2022
DATE

Damaris Herrera
SIGNATURE OF PLAINTIFF

(Name and title of paralegal, legal assistant, or other person who helped prepare this complaint)

(Signature of attorney, if any)

(Attorney's address & telephone number)

ADDITIONAL PAGES

All questions must be answered concisely in the proper space on the form. If you need more space you may attach more pages, but you are strongly encouraged to limit your complaint to twenty-five pages. If you attach additional pages, be sure to identify which section of the complaint is being continued and number all pages. Remember, there is no need to attach exhibits to your complaint.

VERIFICATION

I have read the foregoing complaint and hereby verify that the matters alleged therein are true, except to matters alleged on information and belief, and, as to those, I believe them to be true. I certify under penalty of perjury that the foregoing is true and correct.

Executed at Vacaville, California on 5/19/22

X Domingo A. Acuna

ATO219

CMF

1600 California Drive

Vacaville, California 95696